



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MGE/157263

PRELIMINARY RECITALS

Pursuant to a petition filed April 30, 2014, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on May 20, 2014, at Milwaukee, Wisconsin.

The issues for determination are whether Petitioner's Medicaid eligibility is correctly subject to meeting a deductible and whether the agency has correctly applied medical billing information towards the deductible.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

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Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Katherine May

Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner receives Veterans benefits in the amount of \$1233.23 and Social Security in the amount of \$725.00. This totals \$1958.23. After a \$20.00 personal allowance Petitioner's income (\$1938.23) is compared to the MA income limit for one person (\$591.67). The excess monthly income, \$1346.56

(\$1938.23-\$591.67), is multiplied by 6 to create the 6-month deductible of \$8079.36. The current deductible period is May 1, 2014 through October 31, 2014.

3. Petitioner has submitted medical statements to the agency but the only ones that they have been able to use to apply to the deductible are those actually showing Petitioner's liability.

DISCUSSION

While the elderly and disabled are typically nonfinancial eligible for MA those individuals must still meet financial requirements. *See generally §49.47, Wis. Stats.* When a person's income is over the MA income limit an MA deductible, also known as a spend down, must be met before eligibility begins, *See Wis. Stats. § 49.47(4)(c) 2; Wis. Admin. Code §DHS § 103.08(2)(a) and Medicaid Eligibility Handbook (MEH), §§24.1 & 24.2.* The MA income limit for a one or two person household is \$591.67. *See MEH, §39.4.1.* MA deductibles are calculated for six-month periods. *See Wis. Admin. Code DHS § 103.08(2)(c), and MEH, § 20.2.0.* The deductible is met by incurring medical expenses that equal the dollar amount of the deductible. *MEH, §24.2.*

The rules and regulations governing the Medicaid program allow no exceptions and the Division of Hearings and Appeals does not have the authority to alter the law on this program. I have reviewed the agency's deductible calculations and do not find any errors in the deductible determination.

Petitioner's main complaint here, however, is that the agency has not used information she has submitted about medical expenses to meet the deductible. What Petitioner has submitted, however, are not all bills showing her own liability for the medical expenses. Those that do show her legal responsibility for payment have been used toward the deductible. Petitioner should submit all medical statements that show her liability, i.e., her legal responsibility for her personal payment to the agency. This includes health insurance premiums.

CONCLUSIONS OF LAW

1. That the agency correctly determined that Petitioner is required to meet a Medical Assistance deductible in the amount of \$8079.36 in order to be certified eligible for Medicaid.
2. That the evidence does not show that actual medical bills for which Petitioner is legally liability for payment have not been used towards Petitioner's deductible.

THEREFORE, it is

ORDERED

That this appeal is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as

"PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 14th day of July, 2014

\sDavid D. Fleming
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on July 14, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability